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May 1, 2025

The Honorable Jennifer L. Rochon
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: Scott v. PepsiCo, Inc. Short Term Disability Plan et al
Case No. 1:25-cv-3286-JLR

Dear Judge Rochon:

Defendants PepsiCo, Inc. Short Term Disability Plan and PepsiCo, Inc. Long Term Disability Plan ("Defendants") respectfully request an extension of the date to respond to Plaintiff's Complaint in this matter, and for a postponement of the Initial Pretrial Conference set for May 14, 2025. The procedural status of this case is set forth below.

As background, Plaintiff Carol Scott filed this matter on January 23, 2025 in the United States District Court for the Western District of North Carolina. On March 31, 2025, Defendants moved to dismiss Defendant PepsiCo, Inc. Long Term Disability Plan as a party to this case, and both Defendants moved to change venue of this case to this Court, as the governing plan documents contain venue selection provisions requiring all litigation related to the plans be filed in the Southern District of New York. On April 15, 2025, Plaintiff filed a stipulation to transfer venue to this Court, and the Western District of North Carolina transferred the case to this Court on April 21, 2025.

Defendant PepsiCo, Inc. Long Term Disability Plan's motion to dismiss the Complaint was not ruled upon by the Western District of North Carolina, and the parties have conferred to set a new briefing schedule for that motion and for Defendant PepsiCo, Inc. Short Term Disability Plan to respond to the Complaint. In conversations among counsel related to this letter motion, Plaintiff's counsel indicated that she is not admitted to the Southern District of New York and Plaintiff will need time to hire a new attorney admitted to this Court. Plaintiff is agreeable to the briefing schedule set forth below, and the request to postpone the May 14, 2025 Initial Pretrial Conference.

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The parties therefore respectfully request that the Court extend Defendant PepsiCo, Inc. Long Term Disability Plan's deadline for re-filing its motion to dismiss the Complaint and Defendant PepsiCo, Inc. Short Term Disability Plan's deadline for answering the Complaint to May 20, 2025. Plaintiff's response to the motion to dismiss would be due by June 10, 2025, and Defendant's reply brief to the motion to dismiss would be due by June 24, 2025. The parties also seek a postponement of the Initial Pretrial Conference to a date after the motion is fully briefed to allow Plaintiff time to find counsel admitted to this Court.

We thank the Court for its consideration of this matter.

Very truly yours,

Thompson Coburn LLP

By: /s/ Jose A. Fernandez
Jose A. Fernandez

cc: Michael T. Graham (via ECF and email)
M. Leila Louzri (via ECF and email)

The parties' proposed briefing schedule is GRANTED. Defendant's deadline for re-filing its motion to dismiss the Complaint shall be **May 20, 2025**. Plaintiff's response shall be due by **June 10, 2025**, and Defendant's reply will be due by **June 24, 2025**. The parties' initial pre-trial conference shall be rescheduled to **June 30, 2025** at 12:30 p.m.

Dated: May 2, 2025
New York, New York

SO ORDERED.

Jennifer Rochon
JENNIFER L. ROCHON
United States District Judge